

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

JERRY LEE RUSSELL, ADC 150918

PLAINTIFF

v.

4:20-cv-00714-BRW-JJV

LASONYA GRISWOLD DAVIS, ET AL.

DEFENDANTS

ORDER

Plaintiff was an inmate at the Wrightsville Unit of the Arkansas Department of Correction when he filed this action *pro se* pursuant to 42 U.S.C. § 1983. (Doc. Nos. 1, 2.) On September 3, 2020, several Defendants filed a suggestion of death in this case informing the Court that Plaintiff died on August 21, 2020 (Doc. Nos. 31, 32). Plaintiff's death was confirmed through research by the Court; the Court takes judicial notice of Plaintiff's death for this case. *See Levy v. Ohl*, 477 F.3d 988, 991 (8th Cir. 2007) ("The district court may take judicial notice of public records . . .").

If a party dies while a claim is pending, the court may order substitution of the deceased party. FED. R. CIV. P. 25(a)(1); *Kuelbs v. Hill*, 615 F.3d 1037, 1042 (8th Cir. 2010). A motion for substitution may be made by any party or the decedent's successor or representative. (*Id.*) If no motion for substitution has been made within 90 days of service of a statement noting the death, an action brought by the decedent must be dismissed. (*Id.*) More than 90 days have passed since Defendants filed a suggestion of death on September 3, 2020, and no motion for substitution has been made. Accordingly, Defendant's Motion to Dismiss (Doc. No. 33) is GRANTED, and Defendants Vesta Mullins Blanks, LaSonya Griswold Davis, Guy Michael Henry, Melanie Jones, and Maria Lane are DISMISSED.

IT IS SO ORDERED, this 7th day of December, 2020 (Pearl Harbor Day).

Billy Roy Wilson
UNITED STATES DISTRICT JUDGE